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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,892	05/30/2000	Tsuyoshi Fukuda	B208-1094	2097
26272	7590	02/26/2004	EXAMINER	
ROBIN BLECKER & DALEY 2ND FLOOR 330 MADISON AVENUE NEW YORK, NY 10017			SOLOMON, GARY L	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 02/26/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/580,892	FUKUDA, TSUYOSHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gary L Solomon	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Kato (US 5,185,669).

For claim 1, Kato discloses an electronic camera comprising:

white balance correcting means for correcting white balance of a picked-up image on the basis of white balance data obtained by beforehand picking up an image of a predetermined object (Kato; Column 13, Lines 60-70);

and an automatic focusing mechanism (Kato; Column 1, Lines 10-14) to automatically perform a focusing operation by detecting a high-frequency component (Kato; Figure 1, Element 31) of a picked-up image signal.

The CPU (Figure 4 and 5) is a control means for when picking up an image of the predetermined object so as to obtain white balance data to be used for said white balance correcting means and is also the control means for the automatic focusing control (Figure 4 and 5; Column 10, Lines 20-29, Column 12, Lines 57-62).

Kato teaches the automatic focusing system having a plurality of distance measuring points on an image picking-up plane and arranged to automatically perform a focusing operation

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by of a picked-up image signal while using the plurality of distance measuring points (Column 9, Lines 41-66).

Claim 8 is a method claim for claim 1. It is rejected under the same grounds of rejection.

Claim 15 is a storage medium claim for claim 1. It is rejected under the same grounds of rejection.

For claim 2, Kato discloses all the previous limitations, and also the automatic focusing apparatus wherein said control means controls the operation of said automatic focusing mechanism to make a determination level with which said automatic focusing mechanism determines an in-focus state lower than that that used for an ordinary image picking-up operation (Column 9, Line 37 through Column 10, Line 8).

The automatic focusing of Kato determines the "in focus state."

Claim 9 is a method claim for claim 2. It is rejected under the same grounds of rejection.

Claim 16 is a storage medium claim for claim 2. It is rejected under the same grounds of rejection.

For claim 3, it is inherent in the Kato reference to adjust white balance by imaging a white object.

Claim 10 is a method claim for claim 3. It is rejected under the same grounds of rejection.

Claim 17 is a storage medium claim for claim 3. It is rejected under the same grounds of rejection.

For claim 4, Kato discloses an electronic camera comprising:

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white balance correcting means for correcting white balance of a picked-up image on the basis of white balance data obtained by beforehand picking up an image of a predetermined object (Kato; Column 13, Lines 60-70);

an automatic focusing mechanism (Kato; Column 1, Lines 10-14, Column 5, Lines 36-48) to automatically perform a focusing operation by detecting a high-frequency component (Kato; Figure 1, Element 31) of a picked-up image signal;

a control means for, when picking up an image of the predetermined object as to obtain white balance data to be used for said white balance correcting means (Column 12, Lines 57-62), inhibiting the operation of said automatic focusing mechanism (Column 10, Lines 30-44).

The automatic focusing operation is inhibited in order to increase battery life.

Claim 11 is a method claim for claim 4. It is rejected under the same grounds of rejection.

Claim 18 is a storage medium claim for claim 4. It is rejected under the same grounds of rejection.

For claim 5, it is inherent in the Kato reference to adjust white balance by imaging a white object.

Claim 12 is a method claim for claim 5. It is rejected under the same grounds of rejection.

Claim 19 is a storage medium claim for claim 5. It is rejected under the same grounds of rejection.

For claim 6, Kato discloses an electronic camera comprising:

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white balance correcting means for correcting white balance of a picked-up image on the basis of white balance data obtained by beforehand picking up an image of a predetermined object (Kato; Column 13, Lines 60-70);

an automatic focusing mechanism (Kato; Column 1, Lines 10-14) having a first method of automatically performing a focusing operation by detecting a high-frequency component (Kato; Figure 1, Element 31) of a picked-up image signal; and

a control means for, when picking up an image of the predetermined object as to obtain white balance data to be used for said white balance correcting means (Column 12, Line 36 though Column 14, Line 55),

and a second method of automatically performing a focusing operation on the basis of distance information measured correspondingly with a period of time from emission of a predetermined light until reflection of the predetermined light and the control means to select it (Column 9, Lines 1-65, Figure 5).

Focus is based on distance information (focal length). The period of time after the emission of light is known as shuttering.

Claim 13 is a method claim for claim 6. It is rejected under the same grounds of rejection.

Claim 20 is a storage medium claim for claim 6. It is rejected under the same grounds of rejection.

For claim 7, it is inherent in the Kato reference to adjust white balance by imaging a white object.

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Claim 14 is a method claim for claim 7. It is rejected under the same grounds of rejection.

Claim 21 is a storage medium claim for claim 7. It is rejected under the same grounds of rejection.

***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L Solomon whose telephone number is (703)-305-4370.

4. The examiner can normally be reached on Monday - Friday 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Vu Le can be reached on (703)-308-6613.

**Any response to this action should be mailed to:**


Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

(703) 872-9314, (for informal or draft communications, please label  
"Proposed" or "Draft")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the customer service number (703) 306-0377.

  
February 23, 2004

  
VU LE  
PRIMARY EXAMINER